Department of Land Rev + I

OFFICE_____

STATION_____

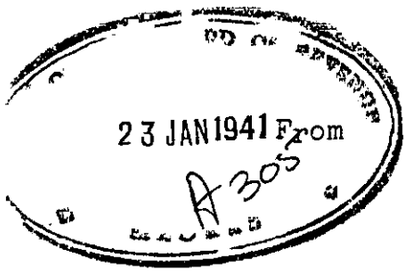
Mis No.	2217
Dated	12 8 41

(SUBJECT.)

Ker receven S. Kamaraj Coondapur Taluk Hosangady P.O. Kanara Fasli 1348. Town increasing people began in Ghat

Ref.C.No.8188/40/A5. South Kanara Collector's Office,

Mangalore, 19th January 1941.



From

M. V. Subrahmanyan, Esq., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board

of Revenue, Madras.

Sir,

Revenue Recovery - Land revenue - Coondapoor Taluk (South Kanara) - Hosangady village - H.No.4 - Arrears for fasli 1348 - Joint interest of defaulter - bought-in - Transfer of registry - Instructions - solicited.

The land revenue amounting to Rs.19.2.0 in respect of holding No.4 of Hosangady village, Coondapoor Taluk, for fasli 1348, was in arrears and all the lands comprised in the holding were bought-in by Government for want of bidders.

2. On further enquiry regarding the assets of the defaulter, it was found that the defaulter possessed 1/3 right in the lands in holding No.44 and 1/7 right in the lands in holding Nos.18, 23 and 26 of the same village. All the lands in the above four holdings appear to have been held on mulgeni by different persons and in some cases the amount of mulgeni payable is even less than the actual assessment on the land. The defaulter is one of the joint holders of the four holdings. The interest of the defaulter in the holdings, Nos.44, 18, 23 and 26, was therefore sold towards the realisation of the same arrears (Rs.19.2.0) and was also ----- bought-in by Government for want of bidders.

3. A mulgeni being an encumbrance within the meaning of the Revenue Recovery Act, the revenue sale in this case extinguishes the mulgeni rights on the lands and thus the Government get the absolute right over the defaulter's share in the properties comprised in the holdings. Now a question arises whether the name of the defaulter appearing in the joint holdings should not be eliminated and that of the Governor of Madras substituted Under B.S.O.45(2), bought-in lands have to be entered in the separate

register referred to in that S.O. In this case only un-defined interests have been bought-in and therefore only those interests can be entered in the separate register referred to above. The sub-divisions concerned cannot be expunged from the holding as no entire sub-divisions have been sold and there are other joint holders. It is obvious that the defaulter's name cannot be allowed to continue in the holdings as his rights have been bought-in by Government. The name of the Governor of Madras has therefore to be substituted for the name of the ---- defaulter. But as there are no clear instructions in the ---- matter and as B.S.O.45 does not provide for a transfer of ----- registry, I solicit the Board's instructions in the matter.

For Collector.

20.1.41

DRAFT FOR APPROVAL. FNS 3

	Date.	Initials.
When received for fair copying ..	8/3	
When copied ..	8/3/41	MV
When examined..		
When signed ..		
When despatched.	8-MAR 1941	

SUBJECT:— Rev Recovery (Surcharge) Coondapoor Taluk. Notempady Vge Holding Nos 44, 16 23 & 26. Sale for arrears of Rev.

READ AGAIN 8-MAR 1941, dated ____ 19____

" " ____ " ____ 19____

READ *ALSO*:—

No. ____ From the A305.41, No. G, dated P1.2.41

" ____ " ____ " ____ " ____ 19____

" ____ " ____ " ____ " ____ 19____

Order / Resolution Ms. / Rout. No. Ref A305/41-1, dated 4.3.41

RT.3.41 (Norris) both.

II Rev 3.41 IC

14/ 13.6.41 14/13/6 (Norris)

IV 30.6.41 14/30/6

Issue proceedings 14/3/41

The Collector is requested to submit the connected Records relating to the sale of the interests of the defaulter in the four holdings and to report whether the Mudgeridars can locate the share of the defaulter on the ground

EKB 18/4/3

3/3/41

KG 3/3/41

To the Govt of Madras

REMINDER. ____ DEPARTMENT.

____ Branch.

REPLY.

To THE Collector

of S. Kanara

To The Secretary

Board of Revenue, L.R.J.

Madras.

I ~~have the honour to invite~~ am directed to invite attention to B dis Ref

30.S - 41-1, dated 5.3.41 and

~~to request that the reply to it may be expedited~~ request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

The matter is pending further enquiry. My report will be submitted as early as possible

Office Bo Rev

Station Madras

Dated 20.5.41

Signature.

(Bo) S.

Designation. S. Supdt

20/5/41

For Collector

SUBJECT.

Rev. Recovery (S. Kanara) Coondapoor Taluk - Hosangady Vil. holding Nos 44.18.23, 26.

22/5/41

23/5/41.

The Collector may be reminded again on 12.6.91

12/8

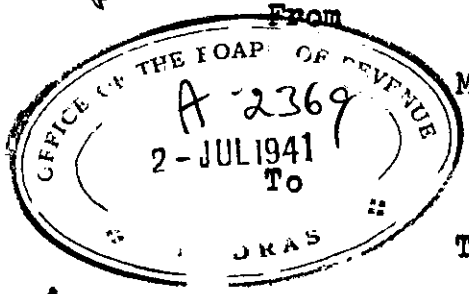
6/6/91

Ref.C.No.8188-40-A5.

South Kanara Collector's Office,
Mangalore, 27th June 1941.

From

M. V. Subrahmanyan, Esq., I.C.S.,
Collector of South Kanara.



The Secretary to the Board,
Land Revenue and Irrigation,
Madras.

Sir,

Revenue Recovery - (South Kanara) - Coondapoor Taluk --- Hosangady village - Holding Nos. 44, 18, 23 and 26 - Sale for arrears of land revenue - Further report submitted.

Refce.No.A-305-41-1, dated 5-3-1941 from the Board of Revenue.

****

The mulagenidars and the joint mulidars concerned are -- not able to locate the defaulter's share in the properties.

2. The records of III P.R.29-85-48 (sale records) and those of D.Dis.7374-39 of the Taluk Office, Coondapoor are enclosed.

For Collector.

Todays of

[illegible] permitted
to part of the [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible]

C.F. 16.

DRAFT FOR APPROVAL. J. B. B.

	Date.	Initials.
When received for fair copying ..	12/8/14	ekb
When copied ..	14/12	ekb
When examined..	14	
When signed ..	13/8	
When despatched.		

SUBJECT:— Revenue Recovery. S Hanson Coon deposit Th. Stubbs 1905 Use. arrears of Part 1768. Joint interest of defaulter bought in by Govt. Order to

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO*:—

No. A 205 From the _____, No. _____, dated 9 19 $1.24

" _____ " _____ " _____ " _____ 19____

" A 2265-14 _____ " _____ " 9 19 $1.24 Ref.

Order / Resolution — Ms. / Rout — No. 2214 dated 12/8 19____

The Collector is informed that in the bought in land register entry should be made of the S. Nos included in the holdings with a note that only 1/3 or 1/7 interest has been purchased, including the names of the joint holders

2 It is hardly possible to secure purchasers for the undefined share in the property since they will find

Issue
11/8

it is difficult to dispossess
the tenant who is in possession
for a very long time. Nor
is it possible to sub-divide
the Govt's share considering
the difficulty in locating from
the defaulter's share purchased
by the Govt. The Board
considers that the proper
practical course is to issue
a notice to the mulgeni
tenant that ⅓ or ¼ of interest
of the defaulter (as the
case may be) in the several
Holdings has been
purchased by the Govt,
that the mulgeni tenancy
in that portion has been
extinguished after sale and
sale and that he should
pay the usual rent
(payable on that share)
to the Govt annually
in future. He should also
be told that the rent
payable by him is not on
mulgeni tenure but that it is
the ordinary tenure

Govt
2 Dec 28/41 K.G.

18/ 9/8/41

Mulgeni
Dec 28/41

To the Conv &
Secretary.
(with records &

BOARD OF REVENUE
25 AUG 1941
A3283
MADRAS

No. 8188-40-A5. South Kanara Collector's Office,

Mangalore, 23rd August

M. V. Subrahmanyan, Esq. I.C.S.,

Collector of South Kanara

To

The Secretary to the Board.

Land Revenue & Irrigation,

Revenue Recovery - Coondapoor Taluk - Hosanadi Village - S.Nos. 18, 25 and 26 - Sale for arrears of revenue - Further instructions solicited.

Ref: This office Ref.C.No.A5-8188-40, dated 19.1.1941 and 27.6.1941

Board's Resolution Mis.No.2217, dated 12.8.1941.

In this office reference cited above I had solicited instructions as to how the transfer of registry in respect of the holdings concerned in this case should be effected. But the Board's resolution cited above gives instructions only as to how the entries are to be made in the register of bought-in-lands and no specific instructions regarding the transfer of registry have been given. I therefore request to be informed whether no changes are necessary in the 10-1 Chitta and whether the name of the defaulter may continue to stand as a joint holder.

paid to the Government. The Government may themselves have to pay the assessment on their share in the properties. This point is not of course contemplated in the Board's resolution. It is also not clear whether the mulgenidars have to pay rental at the existing rate of mulgeni rental or at any rate to be fixed by the Government.

In the first place it is not clear whether the conditions in the notice specified by the Board should be enforced by the Government, that is to say whether the rental should be actually collected from the mulgenidars. In that case the rental will have to be fixed by the Government and a lease deed will have to be obtained from the mulgenidars, which the mulgenidars may not, however, be willing to execute.

4. Secondly, if the rental is to be collected and a lease deed is to be obtained, the Government may have to get possession of the portions bought-in, through a Civil Court. But the Board has already referred to the difficulty in sub-dividing the Government's share in the properties. It therefore appears that the Board only expects nominal action to be taken in the matter and that the subject may be closed with the issue of a notice to the mulgenidars and that it is sufficient if only assessment is collected from the mulgenidars annually.

DRAFT FOR APPROVAL. J. B. B

	Date.	Initials.
When received for fair copying ..	8-1-41	
When copied ..	8/8	
When examined ..	8/8	
When signed ..		
When despatched.		

SUBJECT :— Revenue Recovery (S. Kanara) Collection of Kodagi Taluk Kodagu Nos 44 15 ~~16~~ 23 & 2 Sabstranam of Lrs

READ AGAIN _____ dated ~~Further instructions issued~~ 19

" " _____ " _____ 19

READ *ALSO* :—

No. _____ From the #32 B3 _____, No. _____, dated 6 8 19 41

" _____ " _____ " _____ " _____ 19

" _____ " _____ " _____ " _____ 19

~~Order~~ Ms. Resolution ~~Rout.~~ No. LOIS A 3283/41, dated 7.8 19 41

The Bd. addresses the following

~~The following instructions are issued~~

Para 1 of the Collector's letter

The Collector is requested to make the necessary changes in the Village accounts including No. 10-Part I.

Para 2 of the Collector's letter

The old tenants are no longer Mulgeni tenants the Mulgeni tenancy has been extinguished by the ~~has~~ sale brought in the Court in the interests of the defaulter. The rent payable by them is therefore such

1 Issue

14

6 X 41

on mulgeri tenure
land on ~~the~~ other any tenure.
The Collr is requested to try and
~~to~~ collect from the tenants, as rent
an amount equal
which is at least equal
to the appropriate
assessment due to the
Govt on the respective
shares in the holdings
Para 3 of the Collector's letter
If the tenants agree to
rent at the enhanced
rate the Board considers
it desirable to get a
lease deed from the tenants
The Collr is requested to get this
done. try this
Para 4 of the Coll's letter (There shd be no resort to Civil Court)
The Collector is requested
to make the best arrangement
possible and to collect
what he can writing off the
deficit, if any as
compared with the Government
assessment.

Encl
Spr KG
4×41

10/5/41

To
The Collr of L. Kal

Note Pte

Revenue Recovery (S. Kanara)
Coondapur Taluk Hosangadi
Vge. Holding Nos 44 18, 23
and 26 - arrears of Fasli
1348 - Sale -
undefined shares
bought in by the Govt
A 305-41 from the Collector of
S. Kanara Ref C 8188-40 A 5719/41
J. A. S. (L.R)

All the lands comprised in
Holding nos 44, 18, 23
and 26 of Hosangady Vge
Coondapur Taluk are held
on mulgeni by different
persons. For the realisation
of an arrear amount for Fasli 1348
Rs 49.2. of the interests of his
defaulter who possessed
1/3 right in the holding no 44
1/2 right in the lands in
holding nos 18 23 & 26 were
sold and bought in by the
Govt

2 Mulgenidars are the
lessees of the registered holder
They are tenants in perpetuity
and are not removable
by the registered holder

so long as they pay rent regularly to him and do not break any of the conditions of the lease. This however is only a limited right. The Collector observes that the new terms para 3 p1 of sale extinguishes the mulgeni rights and that the Govt gets the absolute right over the defaulters share in the properties concerned in the holdings (But in equity they have to recognise the same mulgenidars as only undefined interests have been brought in and the sub-divisions cannot be effected and expunged from the holdings the Collector solicits instructions in how the changes should be effected in the accounts. p2 of

Before deciding the general question raised by the Collector it would be desirable to examine the records of the sale which is for orders whether the connected records may be called for and the Coll. asked to report whether the mulgenidars can locate the share of the defaulter on the ground. J. Section re extinction of mulgeni

Yes 15/ 2.3.41

Ekd 25/7/41

KK 28/7/41

F. Supdt

Pl. send the DC
Gazetteer for S. Kanara
req
22/3/41

To the Librarian

Please post up the Gazetteer for
A S (Satt) Reference. The requisition for it
was issued 2 days back (vide 3-41)
Pom
4.3.41. Yours Sir,

There is no Dist. Gazetteer
for S Kanara. Vols. I + II of the
Dist. Manual for S. Kanara are
forwd. with a copy of Supplement to
P. I

20/3.

AS (LR)

TO AS (LR)

Draft Rules

Ekm KG
J 3 3341
GI

(8)
4.3.41

Secretariat Library
of
GI

To Secretariat AS(LR) & sett.

AS's order above

The file may be sent to Secretariat in reference to the comments of Section

NOT pursued
11/3

Note by F. Section

According to the District Gazetteer the Mulgeni tenure is lost if the land is brought to sale for arrears of Revenue, i.e. dispossessed. In the circumstances reported by the Collr the Mulgeni right has ceased & to exist and the Govt get the absolute right over the defaulters' share in the properties comprised in the holdings. (there is no other authority traceable)

A.S. (L.R.&C.)
AS (L.R.)

Pl.n.o. of the file sent up.

Thro A.S. L.R.Br
PC
21/3

Rem
20.3.41
Encls. returned
3/41

GM
26.3
A

A 305.41 from the Govt of S. Kamara } p1.24
Ref C 8188.40 A 5 of 19.1.41 }
A 2369.41 from the Govt of S. Kamara. } p5 of M2
Ref C. 8188.40 A 5 of 27 6.41 }

J. A S. (LR)

For the realisation of an arrear amounting to Rs 19.2.0 in respect of holding no 4 of Hosangady Village Coondapur Village, S. nos 13-8, 16 17 & 18 comprised in the holding were sold in auction on 27.6.39 p 29 3.
For want of bidders, the lands were bought in by the Govt and the Sale was confirmed by the Revenue divisional officer, coondapur in his R dis 5598.39 of 17.10.39. p 93-94 (S)

2 The defaulter has no other moveable or immoveable properties excepting a nominal interest in holdings nos 18 23 26 & 44 of the same vg Enquiry showed that the defaulter possesses ½ right in the lands in holding no 44, and ⅓ right in the lands in the remaining 3 holdings. All the lands in the 4 holdings were held & on mulgeni by different persons and in some cases p 1 of

the amount of mulgeri payable is less than the actual assessment on the land. As the local G. P held that as the defaulter is one of the joint holders of the 4 holdings steps may be taken to attach and sell the defaulter's interest Orders were issued by the Collector accordingly. Cf. see also the Adv. Genl's opinion of 5-6-25 at p 5 of (T) wh. justifies the sale of it.

3 The sale of the defaulters interest in the 4 holdings was held on 28.8.40 As there were no bids for the purchase of the defaulter's rights, they were bought in by the Govt. The Govt have thus acquired complete rights over the defaulters share in the land comprised in the 4 holdings

cmde. B 80 4 S.2

Bought in lands have to be entered in a separate register In this case the mulgeris are four murderers are unable to locate the defaulter's share in the properties. Only undefined interests have been bought in and the

fields cannot be expunged from the holdings as there are other joint owners. The defaulter's name cannot also be shown continued to be shown in the holdings as his rights have been bought in by the Govt. The Collector considers that if the interests bought in could be brought in into the bought in land register and that the name of the Governor of Madras has to be substituted for the name of the defaulter. As there are not clear instructions in the matter he requests the Board orders

p1-2 q

A The lands cannot be deleted from the holdings as there are still outstanding rights of the other joint owners. Some arrangement will have to be done by which the interests possessed by the Govt wherein in the form holdings can be made clear in the village accounts. To achieve this purpose, as the collector's suggestion to show exhibit the

the rights bought in in the
bought in Land Register, and
also to delete the defaulter's
name from the holdings and
substitute the name of the Govt
of Madras seems to me to be the best
course that could be adopted
It is for others whether the
Collector may be informed
that his suggestions in his letter
maybe adopted

EHP
15/8/41

The lands composed
in Holding no. 4 which
belonged to the defaulter &
which were first sold are wet
lands measuring nearly 11½ acres
with an assessment of about Rs 19,
and a garden site of 30 cents
It is not clear why these were bought in
Evidently they were valueless and
required considerable reclamation
As regards the four joint-holdings, in
which the defaulter possessed ⅓ or ⅐
right, it is clear that the rent derived
is even less than the assessment and
the Govt by transferring the defaulter's
interest in their name are not likely
to get any profit whatsoever

f 149 of (S)

× Estimated value
8– f 76 of (S)

f nos 2
p 1 of

f nos 1 of the
tables after
at p 117 of (S)

~~transaction~~. The share cannot also from p 5 of
be located on the ground and it will
be rather difficult for the Govt to find
even a tenant. Anyhow as it has been
bought in by the Govt the only course is
to enter it in the accounts in the name
of the Provincial Govt among other joint owners but the Collr. may
be asked to take steps to resell the share
at the earliest opportunity if may, by
persuading the other joint holders to take.

KG
21/9/40 For orders.

I Dn the Bought-in and Rest, from p 4 ante
entry should be made against each of the
Survey numbers included in the holding,
with a note that only 1/3 or 1/7 interest
has been purchased & with a note ~~about~~
of the names of the other joint holders.
Even this alone will not be sufficient:
The mulgeni tenant will be in enjoyment
of this portion also - The suggestion at I(a)
above may not ~~be so~~ be successful ~~have any desired effect~~. Very few people will come forward
to purchase the undivided 1/3 share in
the property, since they will find it
difficult to dispossess the tenant
who is in poss for a very long time
& So the only course is to subdivide the
Govt's share clearly before it is offered

for Sale. Subdns of joint holdings can be ordered only if the individual shares are marked on the ground by well defined boundaries. In the present case there is difficulty locating the defaulter's share. To attempt at subdn in this case would involve good in cost sent & it is not worthwhile in view of the small amount (Rs 16) involved. The practical course seems to be to issue a notice to the mulgeni tenant that 1/3 or 1/7 interest of the defaulter had been purchased by govt that the mulgeni tenancy in that portion had been extinguished after the land sale and that he shd pay the usual rent (payable on that share) to the govt ourmaly in future. He may have to be told also that the rent which is payable by him is not for an mulgeni tenure but that it was on an ordinary tenure (Standard at p INF It can not be said that the govt interest is has no saleable value. The rent is less than the assessment on the land. But this may be due to the neglect

Of the landholder in not availing himself of the mulgani Enhancement Act. † Please see para 7 of the Opinion at p.129 (S) Anyhow, the Govt will atleast be getting some rent. If the tenant and contend that the assessment on the holdings ... that a portion of the land belongs to you be reduced on the ground that he had paid also rent Deposit with Govt Govt may give him for separate registry

28

Approved

5/7/44

J. A. S. (Lt)

Draft Subs

18/9/8

28/44 2.8.44

Note File

Revenue Recovery (S Kanara)
Coondapur Taluk
Hosangadi Vge - Holding Nos
44, 18, 23 & 26 - Sale for
arrears of revenue
₹ 3283.41 from the Cons of S. Kanara
Roc No 8188.40 A5 of 28.8.41
T.A.S.(L:R)

p1.2 of

Para 1 of the Comm's letter

The instructions in B.P
2217 Mis of 12.8.41 presuppose
that the registry should be
altered in the name of the
Govt. The Collector may be
requested to make the
necessary changes in the
accounts enclosing 10 I

p7-8 of (W)

Para 2 of the Director's letter

The old tenants are
no longer Mulgeni tenants
the mulgeni tenancy having
been extinguished by the
Govt buying in the interests

of the deceased he possessed p1 of (W)
1/3 rights in the lands in
holding no 44 and 1/3 rights
in the lands in the holding
nos 18, 23 & 26. The collector was
told that the tenant rent p7-8 (W)
payable by the tenant was not on Conclusive Evidence
nuzzi terms but on ordinary
terms ~~The tenant is to be~~ He should pay
no of, ~~the same may be~~
to collector an amount as
rent which is at least equal
to the appropriate assessment
due to the land on the respective
shares in the holdings the
Con^r may be requested to ~~do so~~ 189 / yes to this
~~to collect the amount as~~
W 4.

para 3 of the Collector's letter p2 of.

~~It is requested~~ The Inquiry Officer
~~to pass order at an~~
~~enhanced rate at the~~ enhanced
rate, ~~a time limit is prescribed~~ at is desirable
~~to the objectors~~
to get a lease deed from the tenants. The
Con^r may be requested to get this done

p 2 cf

Para 4 of Mr Crouch's letter

Resort to court was not contemplated in the BP and in fact it is not necessary for the tenants agree to pay an amount of rent which will be equal to or more than the assessment, no difficulty will arise. The Govt have stipulated the power of the defaulter with the additional liberty to collect rent at a higher rate ~~with the extinction of the unofficial rights~~

The position will be different if the tenant does not accept the Govt's proposals. This contingency may not in all probability arise and does not call for any comment now. If it does arise it appears that rent is reduced to 23 9/41 or less than the assessment KY 23941 then the differ can be easily worked out as ornamentation to the case of bajra the seeds per acre are sold at a rate per acre is usually probably more than the assessment

5

Board where it is fair, no special notice is taken of it. The assessee in the present case is a Hindu, his affairs are kept by the karta of the joint family and the Collector may fix the assessment)

The position is similar to other kartha-in-Hindu cases. A certain adjustment in assessment based on good grounds as the law is necessary, in case the assessee does not pay an amount equivalent the assessment. The last sentence of paragraph 4 of the Collector's letter seems to indicate that the malpractices are likely to pay the annual assessment. But read with the last sentence at p. 18 it would appear that the joint owners would only pay the recent check shortfall to pay less than the assessment

B.M.O. 45 — 3 as amended by C.S. No 1 of 10.2.32 keeps down the maximum rate so not less than half the assessment in case of a lesser shortfall than 50% but however need not be affected

p 2 of

p. 3 & 3 of

JOAS(CR)
Draft Sub'd
Echo (will be attached with (W) after issue)
3/10
10/41
4 x 41 19 5/10/41

30 SEP 1941

The letter will have to remain the basis for the assessment provided the shortfall does not exceed 50% of the assessment. If the shortfall exceeds 50% the assessment will be increased

B.P.No. 2217 M
Dated 12-8-41

Single Number
Two-Members
~~Full Board~~

Assistant Secretary.

I.A. ~~A~~.D.S & L.R. ---------- L.R. Irrgn. Sep.Rev. J.S. Secy.

M. M. M.
3 2 1

---

1. Open file seen by (EW)
2. Final draft seen by ✓
3. Now circulated to ✓
4. Initials

Passed for record. 10.4 18/8

~~Secretary.~~
Joint Secretary.

A.S. (L.R.) 2/3 1 8 8 8 4a
~~A.S. (Irrgn.)~~
A.S. (Sep.Rev.)
A.D.S. & L.R.
I.A.

Note:-- Entries not required to be scored out.